

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

BISOUS BISOUS LLC,

Plaintiff,

v.

THE CLE GROUP, LLC,
BISOU UPTOWN MANAGER, LLC, and
BISOU LP HOLDINGS, LLC,

Defendants.

Case No. 3:21 CV01614-B

**BISOUS BISOUS LLC’S UNOPPOSED
MOTION FOR LEAVE TO AMEND COMPLAINT**

Plaintiff Bisous Bisous LLC (“Bisous Bisous”), through its undersigned counsel, move for leave to amend its First Amended Complaint (Dkt. 26) with the attached (proposed) Second Amended Complaint.

On July 13, 2021, BISOUS BISOUS filed a complaint against The Cle Group, LLC (“CLE”) alleging claims of trademark infringement and unfair competition under the Lanham Act and Texas common law (Dkt. 1). On July 29, 2021, BISOUS BISOUS filed its First Amended Complaint (Dkt. 26) under Fed. R. Civ. P. 15(a)(1) to add Bisou Uptown Manager, LLC and John Does 1–10 (collectively with CLE, the “Defendants”) as defendants to its claims and to add allegations regarding additional instances of confusion that occurred since the filing of Bisous Bisous’s original complaint. As stated in Paragraph 9 of the First Amended Complaint, Bisous Bisous believed that other individuals or entities are working together and in concert with CLE and Bisou Uptown Manager, LLC and may also be responsible for the alleged infringement, but the true names, involvement, and capacities of those defendants were unknown

to Bisous Bisous at the time. Therefore, Bisous Bisous sued those defendants through the fictitious names John Does 1–10 and advised the Court that it would seek leave to amend the First Amended Complaint when such information becomes available.

As Bisous Bisous alleges in its proposed Second Amended Complaint, attached hereto as **Exhibit A**, Bisous Bisous is now aware that Bisou LP Holdings, LLC is the owner of the allegedly infringing restaurant BISOU Houston and that CLE has authority over Bisou LP Holdings, LLC's use of BISOU.

Accordingly, Bisous Bisous seeks leave to amend its First Amended Complaint to add Bisou LP Holdings, LLC as a defendant to its claims in place of John Does 1–10. This motion is made within the October 1, 2021 deadline for motions for leave to join parties or amend pleadings under the Court's Scheduling Order (Dkt. 68). Counsel for Bisous Bisous conferred with counsel for Defendants on September 28 and 30 and Defendants do not oppose the amendment sought by Bisous Bisous.

Respectfully submitted,

FISH & RICHARDSON P.C.

Dated: October 1, 2021

By: /s/ David B. Conrad

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Attorneys for Plaintiff
BISOUS BISOUS LLC

CERTIFICATE OF CONFERENCE

I hereby certify that on September 28 and 30, 2021, counsel for Plaintiff Bisous Bisous LLC conferred with Kenneth P. Kula, counsel for Defendants, regarding the instant motion for leave to file an amended complaint, and Mr. Kula advised that Defendants do not oppose the relief sought in Bisous Bisous's motion.

Dated: October 1, 2021

/s/ David B. Conrad

David B. Conrad

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on October 1, 2021, a true and correct copy of the foregoing document and attachments thereto have been filed with the clerk of court for the U.S. District Court, Northern District of Texas and served on all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system.

Dated: October 1, 2021

/s/ David B. Conrad

David B. Conrad